



LAND USE SERVICES DEPARTMENT

CURRENT PLANNING DIVISION

PLANNING COMMISSION STAFF REPORT



HEARING DATE: October 21, 2004

AGENDA ITEM NO: 4

Project Description

APN: 0467-142-15
APPLICANT: HIMMELRICK, JEFFREY & MARTHA
PROPOSAL: A) GENERAL PLAN LAND USE DISTRICT
AMENDMENT FROM RURAL LIVING (RL) TO RURAL
COMMERCIAL (CR)
B) CONDITIONAL USE PERMIT TO ESTABLISH A
2,032 SF RESTAURANT ON 2.55 ACRES
COMMUNITY: HELENDALE/1ST SUPERVISORIAL DISTRICT
LOCATION: EAST SIDE OF NATIONAL TRAILS HIGHWAY,
APPROXIMATELY 750 FT SOUTH OF RINALDI ROAD
JCS/INDEX: 12324CF1/DN149-250N/2004/GPA01/CUP01

Vicinity Map



3 Hearing Notices Sent On: October 8, 2004
PC Field Inspection Date: October 4, 2004

Report Prepared By: Tracy Creason
Field Inspected by: Ed Laning

SITE DESCRIPTION

Parcel Size: 2.55 acres
Terrain: Site is relatively flat.
Vegetation: Site is disturbed. A single-family residence, a triplex, miscellaneous outbuildings, and the building to be used as the proposed restaurant exist on site. No native vegetation exists.

EXISTING LAND USES AND DISTRICT DESIGNATIONS:

AREA	EXISTING LAND USE	OFFICIAL LAND USE DISTRICT	IL
Site	Single Family Residence (SFR), Triplex, Outbuildings, Proposed Restaurant building	Rural Living (RL)	IL-4
North	Vacant	Rural Living (RL)	IL-4
South	Daycare	Rural Living (RL)	IL-4
East	Daycare	Rural Living (RL)	IL-4
West	National Trails Highway/Rural Residential	Rural Living (RL)	IL-4

	AGENCY	COMMENTS
City Sphere of Influence MAC/CAP:	N/A	N/A
Water Service:	On-site wells (existing)	DEHS-Approved
Septic/Sewer Service:	Septic System (existing)	DEHS-Approved

STAFF RECOMMENDATION: RECOMMEND THAT THE BOARD OF SUPERVISORS **ADOPT** THE GENERAL PLAN AMENDMENT TO RURAL COMMERCIAL AND **APPROVE** THE CONDITIONAL USE PERMIT.

The applicant is proposing a General Plan Amendment (GPA) to change the project site's Official Land Use District (OLUD) from Rural Living (RL) to Rural Commercial (CR) with a concurrently-filed Conditional Use Permit (CUP) to establish a restaurant on 2.55 acres. Improvements existing on site include a single family residence, a triplex, miscellaneous outbuildings, i.e., sheds and well houses, and the building proposed to be the restaurant. The site is on the east side of National Trails Highway approximately 750 feet south of Rinaldi Road in the community of Helendale.

BACKGROUND:

The surrounding community is still relatively rural in nature with scattered residential structures and sparse commercial development. Silver Lakes, a nearby planned development, is the denser residential development exception to this widespread rural living community. However, the area is growing at a fairly rapid pace, placing more demands on the existing commercial activities. In addition to the residents of the area, the proposed restaurant intends to serve the traveling public along Historic Route 66.

The triplex was built in 1943, the building that is intended to be used as the restaurant was originally built in 1944 as the White Café, and the single family residence was built in 1945.

ANALYSIS:

If approved, the proposed applications would convert the 2.55-acre parcel from Rural Living to Rural Commercial, and allow an on-site restaurant to be re-established. These proposals introduce an additional commercial opportunity in an expanding rural residential community.

The proposed land use district change achieves the purpose of a rural commercial district. That purpose is to provide sites in rural areas where a range of commercial services intermixed with residential uses can be established, which are limited in scope and intensity and meet the needs of the remote population and the traveling public.

The proposed land use district change meets the locational criteria of the rural commercial district.

- It is in a rural area identified as Improvement Level 4 that has a low population concentration of less than 500 people per square mile.
- It is along a major remote thoroughfare, Historic Route 66, a.k.a. National Trails Highway.
- It is in an area where mixed uses can coexist without conflict. A single-family residence and a multi-family residence exist on site. A daycare facility exists next door.
- It is in an area where there are no competing commercial uses.
- It is in an area where special design considerations are not required to ensure compatibility with surrounding uses.
- It is not within the sphere of influence of any city.

The proposed Conditional Use Permit meets the criteria established in the County's Development Code for approving such an application. The development of a restaurant will provide convenient services closer to surrounding residences. Buffering from nearby residential properties will be provided through landscaping. The site is located along a route that is used primarily by local residents.

No change in the current Improvement Level 4 is being proposed. Improvement Level 4 typically requires legal and physical access, necessary grants of easement, substantiated well water, and septic systems. The locational criteria require an improvement level of 4 or 5 for the Rural Commercial land use district. As part of the proposed project, the applicant intends to construct the driveway approach per County standards.

The applicants spoke with their surrounding neighbors prior to submitting these applications. As part of their land use applications, they provided letters of support for their proposed restaurant from the three adjacent property owners - Amelia Illingworth, John Matovich, and Olympia Kilmer, co-owner of the Carousel of Kids Preschool and Daycare. Project notices were mailed to the surrounding property owners. A response from Olympia Kilmer expressed concern about traffic safety on National Trails Highway. Although the County Traffic Division had previously indicated that they had no concerns about the project, in response to this comment it was requested that a site visit be made. After visiting the site, the opinion of the Traffic Division remained unchanged.

The creation of a Rural Commercial Land Use District and the proposed commercial use provides a logical placement for convenient commercial uses to serve a growing rural community.

An independent Initial Study, in compliance with the California Environmental Quality Act (CEQA), has been completed for the project that determined the proposal will not have any adverse impacts that will remain potentially significant, after the completion of the Conditions of Approval. Therefore adoption of a Negative Declaration is recommended.

RECOMMENDATION: That the Planning Commission recommend that the Board of Supervisors:

- A. **ADOPT** the Negative Declaration;
- B. **ADOPT** the General Plan Land Use District Amendment from Rural Living (RL) to Rural Commercial (CR) on 2.55 acres;
- C. **APPROVE** the Conditional Use Permit to establish a 2,032 square foot restaurant on the site, subject to Conditions of Approval;
- D. **ADOPT** the Findings; and
- E. **FILE** a Notice of Determination.

Attachments:

- Exhibit A: Findings
- Exhibit B: Conditions of Approval
- Exhibit C: Assessor Page
- Exhibit D: Existing General Plan Land Use Map
- Exhibit E: Proposed General Plan Land Use Map
- Exhibit F: Site Plan
- Exhibit G: Environmental Initial Study
- Exhibit H: Correspondence
- Exhibit I: Photographs of site and surrounding areas